

### REMARKS

This paper is responsive to the Office Action dated August 25, 2008. All rejections and objections are respectfully traversed. Reconsideration is respectfully requested.

The present amendments are clarifications intended to more precisely set forth the present invention. Support for the present amendments is found throughout the Specification and Figures as originally filed. For example, see lines 10-15 on page 9 of the Specification as originally filed.

No new matter has been added.

Claims 1, 3-4, 6, 8-9 and 11 stand rejected for obviousness under 35 U.S.C. 103, based on the combination of U.S. patent publication number 2004/0143849 ("Costa") and U.S. patent publication number 2004/0143849 ("Watkins"). Applicants traverse this rejection, respectfully urging that the cited combination does not disclose or suggest all the features of the present independent claims, as further discussed below.

Costa converts VBR representations of videos into constant bit rate (CBR) or near-CBR representations, so that network traffic becomes deterministic with regard to in-progress or scheduled video communications. Paragraph 29 of Costa teaches that a VBR representation is segmented into time intervals that define time windows within which the VBR representation is processed to form the CBR or near-CBR representation, and that each of the time intervals may have the same duration  $\Delta T$  ("delta tau"). Costa includes no teaching of any delay in presenting data at a video destination.

Watkins discloses creating a deterministic traffic profile for isochronous data networks, in which a central office receives on-demand requests from customer premises for selected videos.

The Watkins network manager determines if the network is capable of congestion-free communication of a selected video from the video server to the central office concurrently with the in-progress communications based on a capacity of the network, the maximum aggregate bit rate, and an associated upper bound of bit rate for the selected video. The teachings of Watkins include use of a Personal Video Recorder (PVR), which allows a user to delay presentation of a recorded event. See column 1, lines 35-42, and column 7 lines 62-67. Watkins specifically teaches that the user can pause and resume the presentation of a video clip using a remote control in lines 3-34 of column 11.

Nowhere in the combination of Costa and Watkins is there disclosed any method for providing video data, comprising:

- receiving video data in a variable bit rate data stream at a video source;
- transcoding said video data into a constant bit rate data stream between said video source and a video destination, wherein said constant bit rate data stream has a data rate exceeding a minimum display rate;

- receiving said video data in said constant bit rate stream at said video destination;
- delaying display of said video data at said video destination by a delay period, wherein the length of said delay period is based on the type of content represented by said video data;***

- transcoding said video data into a variable bit rate stream for variable bit rate display processing to generate a display at said video destination, said variable bit rate display processing varying between said minimum display rate and a maximum display rate; and

- storing excess received video data in at least one buffer within said video destination (emphasis added).

as in the present independent claim 1. In contrast, and as conceded by the Examiner in lines 15-16 on page 3 of the current Office Action, Costa includes no hint or suggestion of even the desirability of delaying the display of video data at a video destination. Watkins discloses only that presentation of recorded video data may be delayed by a user of a PVR. The combination of Costa and Watkins therefore results in a system in which a VBR representation is

segmented into time intervals defining time windows within which the VBR representation is processed to form a CBR representation, as in Costa, where the transmitted video is received and stored by a PVR, as in Watkins. While the storing of received video in the PVR of Watkins allows a user to control the time at which a recorded video is later played back, and allows for use of remote control commands that determine how the video is played back (e.g. the pause and resume commands), nothing in the combination of Costa and Watkins teaches or suggests delaying display of said video data at said video destination by a delay period, *wherein the length of said delay period is based on the type of content represented by said video data*, as in the present independent claims 1, 6 and 11.

For the above reasons, Applicants respectfully urge that the combination of Costa and Watkins does not disclose or suggest all the features of the present independent claims, and accordingly does not support a *prima facie* case of obviousness under 35 U.S.C. 103 with regard to the present independent claims. As to dependent claims 3-4 and 8-9, they each depend from independent claims 1 and 6, and are respectfully believed to be patentable over the combination of Costa and Watkins for at least the same reasons.

Claims 2, 5, 7 and 10 stand rejected for obviousness under 35 U.S.C. 103, based on Costa alone. As set forth in the previous response, and as acknowledged in lines 15-16 on page 3 of the current Office Action, Costa alone does not disclose or suggest the *delaying display* of video data *at said video destination* of the present independent claims 1 and 6, from which claims 2, 5, 7 and 10 depend. Moreover, as discussed above with reference to the rejections of independent claims 1 and 6 in the current Office Action under 35 U.S.C. 103, Costa also includes no teaching or suggestion of delaying display of said video data at said video destination by a delay period, *wherein the length of said delay period is based on the type of content represented by said video*

*data*, as in the present independent claims 1 and 6. Applicants accordingly respectfully urge that dependent claims 2, 5, 7 and 10 are non-obvious over Costa for at least the same reasons as independent claims 1 and 6.

For these reasons, Applicants respectfully request that all rejections of the Examiner be withdrawn. This application is now considered to be in condition for allowance and such action is earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

November 6, 2008  
Date

/David Dagg/  
David A. Dagg, Reg. No. 37,809  
Attorney/Agent for Applicant(s)  
44 Chapin Road  
Newton MA 02459  
(617) 630-1131

Docket No. 120-344